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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,559	10/19/2000	James A. Wiemer	26011-9176-00	5866

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EXAMINER

RESAN, STEVAN A

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/692,559

Applicant(s)

WIEMER, JAMES A.

Examiner

St van A. Resan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-13, 15-26, 29-36 and 38-43 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1-4, 6-13, 15-26, 29-36 and 38-43 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 May 2003 has been entered.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 17-26,29-36,38,39,42,43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 17- The term "surface treatment" has no support in the specification.

Claims 22-25 "magnetic portion" has no support in the specification.

Claims 30,38 There is no support in the specification for a "panel" or "display panel".

Claims 42, 43 There is no support in the specification for "reliefs" or "slits"

Dependent claims 18-21,26,29,31-36,39 are rejected for depending from claims rejected under 35 USC 112.

5. Claims 17-26,29-36,38,39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms "surface treatment" (Claim 17), "magnetic portion" (Claims 22-25), "panel" (Claims 30,35,38), and "screening process" (Claim 33) are not defined in the specification and therefore the scope of the invention cannot be determined.

Dependent claims 18-21,26,29,31,32,34,36,39 are rejected for depending from claims rejected under 35 USC 112.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3,7,8,12,13,16,17-20,25,26,29,30-36,38,39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holtz US 3093919 taken in view of Deetz US 5843329 and Buckley et al US 5286415.

Holtz '919 discloses an apparatus for the display of information comprising a graphics sheet which may have a visual display layer, a magnetic receptive material applied to the rear surface of the sheet, and a base comprising a magnetic mounting surface. (Figures 1-4). The magnetic layer may be sieve printed on one side. (Sieve

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printing is broadly interpreted as screen printing. Silk screening is an art recognized generic term used for screen-printing in the printing arts.) Holtz '919 do not disclose a magnetic material comprising graphite powder mixed in a fluid carrier material, nor a magnetic material applied to the rear surface of an adhesive strip applied to a graphics sheet. However Deetz discloses magnetic paint or ink comprising ferromagnetic particles dispersed as a slurry in a clear carrier material (i.e. polymer and liquids such as polymer solvents or water). Deetz discloses the use of the paint or ink to coat wallpaper, contact paper (which inherently has an adhesive layer on one side), or printed stock for game boards. It would therefore have been obvious to one of ordinary skill in the art to use the ink of Deetz for the screen printed layer of Holtz '919 since Deetz suggests its use for this purpose (Col 6 lines 49-56; Col 6 line 65-Col 7 line 28). Buckley et al teaches the addition of graphite to screen printing inks in order to produce highly printable conductive inks (Col 1 lines 66-68). Therefore it would have been obvious to one of ordinary skill in the art to add graphite to the ink of Deetz when the ink was to be applied to polymeric substrates that are notorious for static buildup such as polyethylene terephthalate (e.g. MYLAR)

8. Claims 4,10,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holtz '919 in view of Deetz and Buckley et al as applied to claims 1,7,17 above, and further in view of Sano et al. US 4663874 or Holtz US 3629756.

Holtz '919 in view of Deetz and Buckley et al does not disclose a magnetic composition containing Barium Ferrite. However Sano et al teach an apparatus for the display of information in which a magnetic layer contains Barium Ferrite. (Col 1 line 64-Col 2 line 9). Likewise Holtz '756 teaches barium ferrite dispersions silk screened onto a substrate (Col 1 lines 27-45). Therefore, it would have been obvious to one of ordinary skill in the art to use Barium Ferrite as taught by Sano et al in the magnetic layer of Holtz '919 in view of Deetz and Buckley motivated by the desire to reduce cost and increase corrosion resistance of the magnetic layer.

(The examiner notes that in the present specification the inventor sets forth that silk screening had not previously been used to apply magnetically receptive material onto a graphics display. However both Holtz '919 and Holtz '756 teach this method and the resulting product.)

9. Claims 3,9,21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holtz '919 in view of Deetz and Buckley et al as applied to claims 1,7,17 above, and further in view of O'Carroll et al.

Holtz '919 in view of Deetz and Buckley do not disclose magnetic material applied as strips or portions. However, O'Carroll et al clearly disclose this feature (See Figures). It would have been obvious to one of ordinary skill in the art to apply the magnetic material in strips to reduce costs by using less material.

10. Claims 6,11,15,40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holtz '919 in view of Deetz and Buckley et al as applied to claims 1,7,13 above, and further in view of Padgett or Smith. Holtz '919 in view of Deetz and Buckley et al do

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not teach a base having cut outs. However Padgett teaches the use of cut outs on the base in order to view at least part of the back surface of an applied graphics sheet in order to read other information and Smith teaches the use of cut outs in order to illuminate at least sections of a graphics sheet from the rear. Therefore, it would have been obvious to one of ordinary skill in the art to use cut outs to perform these useful functions.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Noding et al US 4804582 is cited for teaching that it was old in the thermoplastic film art to add graphite to a film to impart to it static electricity dissipative properties. (See Col 1 lines 48-51).

Kanai et al US 4492719 is cited for teaching the addition of graphite to coatings of films to impart slipperiness to the films.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stevan A. Resan whose telephone number is (703) 308-4287. The examiner can normally be reached on Tues-Fri from 7:30AM to 6:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached on (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7718


STEVAN A. RESAN
PRIMARY EXAMINER